

\*E-FILED - 9/30/09\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JAMES WILSON CALLOWAY, ) No. C 07-2335 RMW (PR)  
Plaintiff, ) ORDER ADDRESSING  
v. ) PENDING MOTIONS  
CALIFORNIA DEPARTMENT OF ) (Docket Nos. 83, 84)  
CORRECTIONS AND )  
REHABILITATION, et al., )  
Defendants. )

Plaintiff, a state prisoner proceeding pro se, filed an amended civil rights complaint pursuant to 42 U.S.C. § 1983. For the reasons stated below, the court will deny plaintiff's motion for extension of time, motion to compel discovery, and request for appointment of counsel.

On September 8, 2009, the court dismissed all defendants but Dr. Sinnaco from this action. On September 10, 2009, plaintiff filed a motion for extension of time to file an opposition to defendant Tilton's motion to dismiss. On September 14, 2009, plaintiff filed a motion to compel defendant Tilton to respond to discovery. Because defendant Tilton is no longer a party to this action, defendant's motions for extension of time and to compel discovery are DENIED as moot.

On September 23, 2009, plaintiff filed a letter with the court, which this court construes as a motion for extension of time and for appointment of counsel. In the court's September 8,

1 2009 order, the court ordered the Marshal service to serve the complaint and summons upon sole  
2 defendant Dr. Sinnaco. At the present time, plaintiff is not under any court deadline.  
3 Accordingly, plaintiff's request for an extension of time is DENIED as unnecessary. Plaintiff's  
4 request for appointment of counsel is also DENIED for want of exceptional circumstances. See  
5 Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997). This denial is without prejudice to the  
6 court's sua sponte appointment of counsel at a future date should the circumstances of this case  
7 warrant such appointment.

8 This order terminates docket numbers 83 and 84.

9 IT IS SO ORDERED.

10 DATED: 9/30/09

  
RONALD M. WHYTE  
United States District Judge